REMARKS

Claim 13 is amended herein. Support for the amendment to Claim 13 is found in the specification, for example, at paragraphs [0023] and [0025]. Accordingly, the amendment to Claims 13 does not add new matter.

In response to the restriction requirement, Applicants hereby elect Group I, *i.e.*, Claims 1-11. By this paper, Applicants hereby withdraw the claims of Group II and Group III.

In response to the election of species requirement, the Applicants hereby elect Figure 6. The Claims of Group I readable on Figure 6 are Claims 1, 2, 5, 7, 10 and 11.

Applicants respectfully traverse and request reconsideration of the restriction of the claims of Groups II and III (as amended herein) from the claims of Group I. In particular, Applicants submit that the claims of Groups II and III (as amended herein) have unity with the claims of Group I, and, accordingly, are properly joined in a single claim group. The present application is a national stage application submitted in accordance with 35 U.S.C. §371. For this national stage application, unity of invention practice in accordance with 37 C.F.R. §1.475 should be applied.

37 C.F.R. §1.499 provides:

> If the examiner finds that a national stage application lacks unity of invention under § 1.475, the examiner may in an Office action require the applicant in the response to that action to elect the invention to which the claims shall be restricted. Such requirement may be made before any action on the merits but may be made at any time before the final action at the discretion of the examiner. Review of any such requirement is provided under §§ 1.143 and 1.144.

See also M.P.E.P §1893.03(d) ("Examiners are reminded that unity of invention (not restriction practice pursuant to 37 CFR 1.141 -1.146) is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371.)"). Thus, for the present application, restriction practice under 37 CFR §§1.141 -1.146 is inappropriate, and unity of invention practice in accordance with 37 C.F.R. §1.475 should be applied.

37 C.F.R. §1.475(b)(3) provides:

> (b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:
>
> ...

(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product;

In the present application, Claims 1-11 are drawn to a product, Claim 12 is drawn to a use of the product, and Claim 13 (as amended herein) is drawn to a process specially adapted for the manufacture of the product. Thus, in accordance with 37 C.F.R. §1.475(b)(3), the claims of Groups I, II and III (as amended herein) are considered to have unity of invention. In view of the above, Applicants respectfully request rejoinder of the claims of Groups I, II and III (as amended herein).

In the event that the claims of Groups I, II and III are not rejoined in accordance with Applicants' present request for reconsideration, Applicants respectfully request rejoinder of the claims of Group II and Group III upon finding of allowable claims of Group I. In the event that rejoinder of the withdrawn claims is not permitted, Applicants reserve the right to pursue the restricted out subject matter in a subsequent divisional application.

CONCLUSION

Applicants believe the foregoing to be fully responsive to the restriction requirement of the Office Action. Should there be any questions concerning this application, the Examiner is respectfully invented to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 2, 2009

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